

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., et al.,	)	CASE NO. 2:10-cv-106-LRH-PAL
	)	
Plaintiff(s),	)	MINUTES OF COURT
	)	
vs.	)	DATE: Wednesday, September 23, 2015
	)	
RIMINI STREET, INC., et al.,	)	
	)	
Defendant(s).	)	
_____	)	

PRESENT: THE HONORABLE LARRY R. HICKS, U.S. DISTRICT JUDGE

Deputy Clerk: Dionna Negrete Reporter: Donna Davidson  
Counsel for Plaintiff: William Isaacson, Esq., Karen L. Dunn, Esq., Kieran P. Ringgenberg, Esq., Thomas S. Hixson, Esq., James C. Maroulis, Esq., Richard J. Pocker, Esq., Nitin Jadal, Esq., John Polito, Esq., Dorian Daley, Esq..  
Counsel for Defendant: B. Trent Webb, Esq., West Allen, Esq., Robert H. Reckers, Esq., Peter E. Strand, Esq., Annie Y.S. Chuang, Esq., Michael Gray, Esq.

MINUTES OF JURY TRIAL DAY 8

7:54 a.m. Court convenes outside the presence of the jury. Counsel and parties are present. Mr. Hixson brings to the Court's attention 3 issues:

- 1) Dispute regarding customer video depositions. The Court will give a limiting instruction as submitted.
- 2) Defendant's objection to particular video depositions. Counsel request to present argument later today.
- 3) Exhibits relating to at-risk reports. Counsel will meet and confer and submit a number of exemplars for the Court. Counsel shall submit the proposed exemplars to the Court for review prior to any argument.

Annie Chuang, Esq. introduces herself to the Court.

7:58 Court stands at recess.

8:05 a.m. Court reconvenes. The jury, counsel, and parties are present. Mr. Ringgenberg notifies the Court plaintiffs will play video deposition of Krista Williams. Mr. Ringgenberg confirms admission of plaintiff's exhibits PTX57, PTX58, and PTX343, and moves for the admission of exhibits as follows:

Oracle v. Rimini.  
2:10-cv-106-LRH-PAL  
Jury Trial Day 8  
September 23, 2015  
Page 2 of 5

---

PTX324 and PTX345; no objection; PTX324 and PTX345 are admitted.

Excerpts of video deposition of Krista Williams dated October 5, 2011, is played in open court.

Mr. Ringgenberg notifies the Court that plaintiffs will play video depo of Ronald Higa dated November 21, 2015.

Excerpts of video deposition of Ronald Higa dated November 21, 2011, is played in open court.

The Court gives a cautionary instruction to the jury.

Kevin Maddock is called on behalf of the plaintiffs, is sworn and testifies on direct examination by Mr. Isaacson.

PTX5396 is offered; no objection; PTX5396 is admitted.

PTX241 is pre-admitted and published to the jury.

PTX56 is pre-admitted and published to the jury.

PTX425 is offered; objection.

9:23 – 9:28 a.m. Sidebar.

PTX425 is offered; objection overruled; PTX425 is admitted.

PTX17 is pre-admitted; continuing objection as voiced at sidebar; objection overruled.

PTX36 is pre-admitted and published to the jury.

PTX4931 is offered; continuing objection; PTX4931 is admitted.

9:48 a.m. The jury is admonished and excused. Court stands at recess.

10:14 a.m. Court reconvenes outside the presence of the jury. Counsel and parties are present. Mr. Hixson notifies the Court of a dispute regarding some of the exemplar documents Rimini has submitted to the Court. Argument is presented. Mr. Gray responds. The Court provides some instruction of identifying the differences in the documentation to assist the Court. Mr. Hixson raises an issue regarding Ray Grigsby's testimony. The Court will have counsel address that issue at the next break.

Oracle v. Rimini.  
2:10-cv-106-LRH-PAL  
Jury Trial Day 8  
September 23, 2015  
Page 3 of 5

---

Ms. Chuang re-visits previous argument raised at side bar regarding 30(b)(6) witness Maddock. Mr. Isaacson responds. The Court stands by his previous ruling and places further findings on the record.

10:24 a.m. The jury enters the courtroom. Counsel and parties are present.

Kevin Maddock resumes the witness stand and continues testimony on direct examination by Mr. Isaacson.

PTX5350 is offered; no objection; PTX5350 is admitted.  
PTX5352 is pre-admitted and published to the jury.  
PTX5432 is offered; no objection; PTX5432 is admitted.  
PTX5471 is offered; no objection; PTX5471 is admitted.

Excerpts of Kevin Maddock's video deposition dated January 5, 2012, is played in open court.

PTX803 is offered; continuing objection; PTX803 is admitted.  
PTX1341 is offered; no objection; PTX1341 is admitted.  
PTX5474 is offered; no objection; PTX5474 is admitted.

Cross examination by Ms. Chuang.

Re-direct examination by Mr. Isaacson. Witness is excused.

Excerpts of video deposition of Graham Carter dated October 12, 2011, are played in open court.

Excerpts of video deposition of James Ward dated November 15, 2011, are played in open court. Mr. Isaacson requests a sidebar.

12:07 – 12:08 p.m. Sidebar.

The Court clarifies for the jury that the Court's previous limiting instruction does not apply to the video deposition of James Ward and gives further instruction.

12:09 p.m. The jury is admonished and excused. Court stands at recess.

Oracle v. Rimini.  
2:10-cv-106-LRH-PAL  
Jury Trial Day 8  
September 23, 2015  
Page 4 of 5

---

12:34 p.m. Court reconvenes. The jury, counsel, and parties are present.

Edward Screven is called on behalf of the plaintiffs, is sworn and testifies on direct examination by Ms.Dunn. Cross examination is waived. Witness is excused.

1:22 pm. The jury is admonished and excused.

Court remains in session. Mr. Polito argues in support of disputed portions of Ray Grigsby's video deposition. Mr. Dykal responds on behalf of the defendants. The Court takes the matter under submission.

1:30 p.m. The jury enters the courtroom. Counsel and parties are present.

Mr. Polito notifies the Court that plaintiffs will play video deposition of George Lester dated November 11, 2011. Mr. Polito confirms pre-admission of plaintiff's exhibits PTX228 and PTX456, and moves for the admission of PTX457; no objection; PTX457 is admitted.

George Lester video deposition of November 11, 2011, is played in open court.

Mr. Polito notifies the Court that plaintiffs will play video deposition of William Leake dated November 29, 2011. Mr. Polito confirms pre-admission of plaintiff's exhibit PTX218, and moves for the admission of PTX541; no objection; PTX541 is admitted.

William Leake video deposition of November 29, 2011, is played in open court.

1:59 p.m. The jury is admonished and excused. Court remains in session outside the presence of the jury. Counsel and parties are present.

Ms. Dunn presents argument in support of expert witness testimony anticipated for tomorrow in relation to TomorrowNow issues. Mr. Webb presents argument. Mr. Reckers provides some clarification for the Court. Mr. Isaacson provides further information for the Court regarding expert witness testimony. Mr. Webb responds. The Court takes this issue under submission.

Ms. Dunn provides the Court with a copy of the Declaration of Brian E. Fees on Behalf of CedarCrestone, Inc. for review.

Oracle v. Rimini.

2:10-cv-106-LRH-PAL  
Jury Trial Day 8  
September 23, 2015  
Page 5 of 5

---

Mr. Polito plays the portions of Ray Grigsby's video deposition dated June 8, 2011, which are in dispute for the Court to consider.

Mr. Dykal presents argument in support of defendant's objections to portions of Ray Grigsby's video deposition. The Court views the evidence as relevant. Counsel's objections will be noted for the record. Mr. Dykal presents further argument and the Court takes that matter under submission.

Ms. Dunn notifies the Court she will prepare a proposed judicial instruction and submit it to the Court tomorrow.

2:37 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ D. Negrete  
Deputy Clerk